

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

CIV 16-0581 KG/KBM
CR 03-0324 KG

MAXIMILLIANO MATA,

Defendant – Movant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
TO SET CASE FOR RESENTENCING**

THIS MATTER is before the Court on the parties' Joint Waiver of Objections Deadline in which both "agree with Judge Molzen's recommendations that the Court should grant Defendant's Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255, and resentence Defendant to a sentence of time-served." *Doc. 8* in CIV 16-0581 KG/KBM. The Court, having reviewed Chief Magistrate Judge Karen B. Molzen's Proposed Findings and Recommended Disposition ("PFRD") and the briefs of the parties and the updated sentencing memorandum submitted by Probation, concurs.

Wherefore,

IT IS HEREBY ORDERED that Judge Molzen's PFRD filed August 26, 2016 in both the civil and criminal cases is **ADOPTED**;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant's Motion to Vacate, Set Aside, or Correct Sentence Pursuant 28 U.S.C. 2255 (*Doc. 1* in CIV 16-0581 KG/KBM and *Doc. 30* in CR 03-0324 KG) is **GRANTED**;

IT IS FINALLY ORDERED that Defendant's counsel shall notify the Court immediately if the Defendant is willing to waive his appearance at the resentencing hearing or if a writ will be required to assure his appearance, in order to assure that resentencing be set as soon as practical



UNITED STATES DISTRICT JUDGE